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RUEHBO/AMEMBASSY BOGOTA 5482
RUEHBR/AMEMBASSY BRASILIA 9422
RUEHB/AMEMBASSY BUENOS AIRES 6641
RUEHCV/AMEMBASSY CARACAS 3740
RUEHPE/AMEMBASSY LIMA 4021
RUEHMN/AMEMBASSY MONTEVIDEO 5599
RUEHQ/AMEMBASSY QUITO 6362
RUEHSG/AMEMBASSY SANTIAGO 1087
RUEAIIA/CIA WASHINGTON DC
RUEKJCS/SECDEF WASHINGTON DC
RUMIAAA/USCINCSO MIAMI FL
RUEHUB/USINT HAVANA 1262
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C O N F I D E N T I A L LA PAZ 001484

SIPDIS

USAID/LAC JOSE CARDENAS, TULLY CORMICK, JOANNE LAWRENCE
USAID/LPA SNIDER

E.O. 12958: DECL: 07/04/2018
TAGS: PGOV PREL PTER EAID ASEC BL
SUBJECT: U.S. SECURITY CONCERN: MFA BLAMES THE VICTIM

REF: A. LA PAZ 1453
1B. LA PAZ 1391
1C. LA PAZ 1406
1D. LA PAZ 1426
1E. LA PAZ 1435

Classified By: EcoPol Chief Mike Hammer for reasons 1.4 (b) and (d)

¶1. (C) PolOff, USAID's Alternative Development Officer, and USAID Legal Advisor delivered diplomatic note 205/08 (see para 7) to the Foreign Ministry's Americas Section Chief Estela Mendoza and U.S. Desk Officer Yuri Arce on July 1. The diplomatic note raises concerns over the breaking and entering of a USAID implementing partner's offices in Villa Tunari in Cochabamba Department (state) June 28 by a crowd responding to calls from coca farmer union leadership to expel USAID from the Chapare region. President Evo Morales publicly endorsed cocaleros' call to expel USAID from the Chapare without reservation.

Promise to Investigate Possibility of an Investigation

¶2. (C) Mendoza seemed unaware about the Villa Tunari incident and attempted to marginalize it as an exceptional case. PolOff responded that if the government provided no clear signal that such an act was unacceptable and that perpetrators would be punished it would be complicit in the action against USAID in the Chapare and possibly incite future attacks. Mendoza said she would forward the information on to the Ministry of Government (Interior) "so they can complete an investigation." PolOff asked if he could report back that the government would initiate an investigation. Mendoza then backtracked and said she could only guarantee officials would "investigate whether or not to have an investigation after looking at the facts of the case." Mendoza promised Bolivia would abide by its obligations to protect foreign missions under the Vienna Convention of 1961.

Obligations for Mission Security: Show Us, Don't Tell Us

¶13. (C) We raised concerns about the difficulties of continuing development cooperation without clear security guarantees. PolOff and USAID AD Officer explained that endorsing decisions of coca union leaders in violation of bilateral agreements, international obligations, and the government's own authority created a lawless environment permissive to violence against Mission property, staff, and project execution. We made it clear that security for our U.S. and Bolivian staff is our paramount concern.

Security Concerns Waiting on Government Ministry "Process"

¶14. (C) PolOff reminded Mendoza that we have still not received a response to our April 22 diplomatic note concerning aggressive Bolivian military surveillance of the Mission in La Paz and Santa Cruz. PolOff also noted that the Foreign Ministry's response (641/08) to our June 19 diplomatic note completely ignored its core concern: that the government has taken no action regarding a Bolivian citizen that openly and repeatedly promises to "burn down the Embassy."

¶15. (C) PolOff asked if either official could provide any estimates on when a response to either the April 22 or July 1 dipnote would be forthcoming. Neither could, but Arce assured that responses would eventually come and that the MFA would alert us "when we receive reports from other ministries." Arce responded that the Foreign Ministry was but one branch of the government and needed to rely on other independent branches, specifically the Government (Interior) and Defense Ministries, for responses to our security concerns. "We have to respect other branches and wait for them to complete their processes," said Arce. "Only the police can determine if a crime has been committed."

Mixed Message: We'll Protect You, But You Deserve Attacks

¶16. (C) Mendoza made the point that it was impossible to separate the demonstrations from the cause of the demonstrations: the alleged U.S. granting of asylum to ex-Defense Minister Carlos Sanchez Berzain. She added the June 9 demonstration was only an expression of the "people's discontent" and that she could not stop senior officials, including President Morales, from agreeing with the protesters.

Dipnote 205/08

¶17. (C) Begin text of diplomatic note:

July 1, 2008
No. 205/08

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and Worship of the Republic of Bolivia.

The United States Agency for International Development (USAID), an office of the Embassy of the United States of America in Bolivia, has a legal interest in a building in Villa Tunari, the Tropics of Cochabamba. USAID and the Republic of Bolivia have authorized possession and use of this property by ACDI/VOCA, a legal entity implementing United States foreign assistance to benefit the people of Bolivia under the terms of the Point Four General Agreement for Technical Cooperation Between the United States of America and Bolivia, entered into force March 14, 1951, as well as under Strategic Objective Grant Agreement Number 511-0660, signed by the Government of Bolivia.

On June 28, 2008, this property was illegally entered by persons in Villa Tunari, in the Tropics of Cochabamba. This illegal breaking and entry followed comments by Government of Bolivia officials endorsing the statements of various officials of the federations of cocaleros in the Tropic of

Cochabamba, demanding the expulsion of USAID and its assistance providers, such as ACDI/VOCA, from the Tropic of Cochabamba. To date, no assistance to identify and punish the perpetrators has been forthcoming.

Under Article 22 of the Vienna Convention on Diplomatic Relations (1961) and accepted state practice, the receiving state, in this case the Government of Bolivia, is under a "special duty" to take all appropriate steps to protect the premises, property and diplomatic staff of the sending mission, in this case that of the United States, including USAID, as well as to prevent any disturbance of the peace or impairment of the dignity of the United States mission. The Point Four Agreement on Technical Cooperation establishes a spirit of cooperation between the Governments of Bolivia and the United States in the provision of United States foreign assistance, and requires consultations by the Government of Bolivia concerning any matter relating to United States foreign assistance. The Strategic Objective Grant Agreement, Number 511-0660, requires the Government of Bolivia and USAID to work together to achieve development objectives in integrated alternative development. None of these agreements provide any authority for the expulsion of USAID from the Tropic of Cochabamba by non-state actors and non-signatories to the agreement, as may be occurring in the Tropics of Cochabamba. The statements by Government of Bolivia officials endorsing the expulsion implicate the doctrine of state responsibility for private party actions under international law, and resultant governmental responsibility for all related private party actions, including any expulsion of USAID from the Tropic of Cochabamba.

The United States Government views most seriously the events of June 24-28 in the Tropic of Cochabamba, specifically the departure from the established legal agreements and cooperation between the Governments of the United States and Bolivia to implement United States foreign assistance in Bolivia, and requests the following from the Government of Bolivia, through the Ministry of Foreign Affairs and Worship: 1) a direction to law enforcement authorities to investigate with all speed the breaking and entering of Villa Tunari building referenced above, as well as to protect all United States Government staff and property, located in the Tropic of Cochabamba and throughout the Republic of Bolivia; 2) an express acknowledgment of the Government of Bolivia's responsibilities under Article 22 of the Vienna Convention on Diplomatic Relations, specifically to prevent disturbances of the peace or impairments of the dignity of the United States mission to Bolivia, so that the United States mission may conduct diplomatic relations and USAID and other United States foreign assistance programs in Bolivia consistent with the terms of existing agreements undertaken by the Government of Bolivia; and 3) an explanation of the comments of various Government of Bolivia officials endorsing the expulsion of USAID programs from the Tropics of Cochabamba.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Worship of the Republic of Bolivia the assurances of its highest consideration.

To the Honorable Ministry of Foreign Affairs and Worship of the Republic of Bolivia, La Paz.

GOLDBERG